REMARKS

In the Office Action mailed August 1, 2007 (hereinafter "Office Action"), FIGURE 1 was objected to for omitting a legend such as <u>Prior Art</u>. Claims 60-73 were rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. Claims 49-57 and 60-78 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 74-78 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Claims 43-57 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Published Application No. 2004/0176118, to Strittmatter et al. (hereinafter "Strittmatter"). Claims 58-78 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Strittmatter in view of U.S. Published Application No. 2002/0083228, to Chiloyan et al. (hereinafter "Chiloyan").

Applicants thank Examiner Orr and Supervisory Primary Examiner Doug Hutton for their time during a telephone interview conducted on October 17, 2007. The following amendments and arguments are respectfully submitted in light of that conversation, and are representative of the positions discussed.

In response to the Office Action, applicants have amended Claims 43, 60, 72, and 74. Claims 43-78 remain pending in the application.

Pursuant to 37 C.F.R. § 1.111 and for the reasons set forth below, applicants respectfully traverse these rejections and request reconsideration and allowance of the pending claims. Prior to discussing the reasons why applicants believe that the pending claims are in condition for allowance, a brief description of the disclosed subject matter and the cited references are presented. It should be appreciated, however, that the following descriptions are provided to

assist the Examiner in appreciating the differences between the claimed subject matter and cited references, and should not be construed as limitations on the disclosed subject matter.

Brief Descriptions

Disclosed Subject Matter

As recited by the pending claims of the present application, a system for presenting device information in a unified and consistent way and for accessing and manipulating device information for user selected devices is presented. The system maintains a common dialog object displaying device information through a set of actionable icons. (Application, p. 14, lines 2-6.) Device information is retrieved by accessing enumerated device information contained in a function discovery database. (Application, p. 12, lines 20-21.) When an actionable icon is selected by a user, a reference for the device is returned by accessing the enumerated device information contained in the function discovery database. (Application, p. 13, lines 4-5.) To facilitate communications between the common dialog object, a programming interface is used when accessing enumerated device information with the function discovery database. (Application, p. 6, lines 25-26.)

Strittmatter (U.S. Published Application No. 2004/0176118)

Strittmatter purportedly discloses a system that includes a search logic for a mobile device. The search logic is configured to perform a discovery process that causes a radio frequency transceiver to discover electronic devices having a compatible radio frequency transceiver. The search logic is configured to execute asynchronously with one or more different processes. A display logic is configured to display a device identifier for each of the electronic devices that are discovered.

<u>Chiloyan (U.S. Published Application No. 2002/0083228)</u>

Chiloyan purportedly discloses a method and system for using a peripheral device identifier obtained from a peripheral device to determine a network address from a database, or generate the network address based on the identifier. Information related to the peripheral device is obtained from a remote device at the network address. The method includes automatically transferring at least one identifier from the peripheral device to a host device when the peripheral device is connected to the host device. The step of transferring is preferably done during or after enumeration of the peripheral device, such as occurs when a USB device is connected to a computer. The identifier is used as an index to automatically determine a network address from a database on the host device or a remote device, or to automatically generate a network address. Then, communication occurs between the host device and a remote device or other source of the information indicated by the network address. For example, the host device may download a device driver for the peripheral device from the remote device or from another peripheral device connected to the host device indicated by the network address.

<u>Objection to the Drawings</u>

The Office Action objected to FIGURE 1 under M.P.E.P. § 608.02(g) as only illustrating that which is old. Applicants respectfully disagree with this objection. FIGURE 1 of the current application depicts an exemplary system with which the current invention may be implemented. Applicants respectfully submit that since FIGURE 1 depicts aspects of the current invention and not merely that which is old, withdrawal of the objection to FIGURE 1 is merited.

<u>Rejection of Claims 60-73 Under 35 U.S.C. § 101</u>

<u>Claims 60-71</u>

Claim 60 was rejected as being directed to non-statutory subject matter. In view of this rejection, applicants have amended Claim 60 to recite a system comprising a set of devices.

Applicants submit that Claim 60, as amended, recites statutory subject matter. Applicants respectfully request that the 35 U.S.C. § 101 rejections with respect to Claim 60 and its dependent Claims 61-71 be withdrawn.

Claims 72-73

Claim 72 was rejected as being directed to non-statutory subject matter. Applicants appreciate the Examiner's suggested amendments to Claim 72 and have amended Claim 72 to overcome the rejection. Applicants therefore submit that Claim 72, as amended, recites statutory subject matter. Applicants respectfully request that the 35 U.S.C. § 101 rejections with respect to Claim 72 and its dependent Claim 73 be withdrawn.

Rejection of Claims 49-57 and 60-78 Under 35 U.S.C. § 112 (Written Description Requirement)

Claims 49-57 and 60-78 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Office Action states that the limitations of Claims 49, 60, 68, 72, 74, and 78 are not described in the specification. Applicants respectfully traverse these objections.

Applicants respectfully remind the Examiner that there is no *in haec verba* requirement, and that newly added claim limitations must be supported in the specification through express, implicit, or inherent disclosure. M.P.E.P. § 2163, p. 2100-168, Rev. 5, August 2006.

The fundamental factual inquiry is whether the specification conveys with reasonable clarity to those skilled in the art that, as of the filing date sought, applicants were in possession of the invention as now claimed. *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 1563-64, 19 U.S.P.Q.2d 1111, 1117 (Fed. Cir. 1991) ; M.P.E.P. § 2163, p. 2100-169, Rev. 5, August 2006.

Part of the analysis of whether the specification complies with the written description requirement calls for the Examiner to compare the scope of the claim with the scope of the description to determine whether the applicants have demonstrated possession of the claimed

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invention. Such a review is conducted from the standpoint of one of skill in the art at the time the application was filed and should include a determination of the field of the invention and the level of skill and knowledge in the art. Generally, there is an inverse correlation between the level of skill and knowledge in the art and the specificity of disclosure necessary to satisfy the written description requirement. Information which is well known in the art need not be described in detail in the specification. M.P.E.P. § 2163, p. 2100-171, Rev. 5, August 2006.

The Examiner has the initial burden, after a thorough reading and evaluation of the content of the application, of presenting evidence or reasons why a person skilled in the art would not recognize that the written description of the invention provides support for the claims. M.P.E.P. § 2163, p. 2100-169, Rev. 5, August 2006.

Applicants respectfully submit that FIGURES 2A-2L, along with the corresponding text of the Specification, are more than sufficient to support applicants' contention of being in possession of the claimed invention.

Claim 49

The Office Action asserts that the feature of Claim 49, which recites: "creating information for a first segment of code, the information received from the common dialog object; and communicating the information for the first segment of code to a second segment of code in the function discovery database to access functionality provided by the second segment of code," is not described in the original Specification. Office Action, p. 5. Applicants respectfully traverse this objection.

The Specification states:

> These [prior art] methods do not query a function discovery database
> (which in one embodiment is what the Hardware and Devices folder uses
> to enumerate its list of devices). As will be described in more detail

below, by leveraging the function discovery subsystem, the device picker system of the present invention is able to provide the user with richer information about each device as well as providing the caller (the application that uses the device picker) with a consistent way to specify which devices to expose.

Application, p. 12, lines 20-25. Further, the Application, p. 6, lines 25-26, states: "The embodiment of the present invention may utilize various *programming interfaces*." (emphasis added). An example of such a programming interface appears in FIGURE 2A, which shows a "1st Code Segment" interacting with a "2nd Code Segment" via "Interface1".

Applicants respectfully submit that this diagram and these selections of text, amongst others, disclose to one skilled in the art the above recitations of Claim 49, and respectfully request that the rejection of Claims 49-59 under 35 U.S.C. § 112, first paragraph be withdrawn.

Claims 60 and 72

The Office Action asserts that the features of Claims 60 and 72, which recite: "a data processing component having an executable component," are not described in the original specification. Office Action, p. 6. Applicants respectfully traverse these objections.

The Specification states:

Alternatively, a programming interface may be viewed as one or more mechanism(s), method(s), function call(s), module(s), object(s), etc. of a component of a system capable of communicative coupling to one or more mechanism(s), method(s), function call(s), module(s), etc. of other component(s). The term "segment of code" in the preceding sentence is intended to include one or more instructions or lines of code, and includes, e.g., code modules, objects, subroutines, functions, and so on, regardless

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of the terminology applied or whether the code segments are separately compiled, or whether the code segments are provided as source, intermediate, or object code, whether the code segments are utilized in a runtime system or process, or whether they are located on the same or different machines or distributed across multiple machines, or whether the functionality represented by the segments of code are implemented wholly in software, wholly in hardware, or a combination of hardware and software.

Application, p. 6, line 30-p. 7, line 11. Applicants respectfully submit that one skilled in the art would recognize that the quoted text, amongst other text in the specification, discloses a data processing component having an executable component. Applicants therefore respectfully request that the rejection of Claims 60-67, 72, and 73 under 35 U.S.C. § 112, first paragraph be withdrawn.

Claim 68

The Office Action asserts that the features of Claim 68, which recites, "a first code segment on the common dialog object; and a second code segment on the function discovery database; wherein, when executed, the data processing component having the executable component communicates information through the first code segment to the second code segment," are not described in the original Specification. Applicants respectfully traverse this objection.

As discussed above with respect to Claim 49, the Application, p. 6, lines 25-26, states: "The embodiment of the present invention may utilize various programming interfaces." Various embodiments of programming interfaces are illustrated in FIGURES 2A-2L, showing a first code segment and a second code segment communicating through an interface. Applicants

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respectfully submit that one skilled in the art would recognize that the above sections, amongst others, disclose the above recitation of Claim 68. Applicants therefore respectfully request that the rejection of Claims 68-71 under 35 U.S.C. § 112, first paragraph be withdrawn.

Claim 74

The Office Action asserts that the features of Claim 74, which recites, "receiving information from the common dialog object through a first segment of code on the programming interface; and accessing enumerated information on a function discovery database, the information being communicated through the first segment of code to a second segment of code," are not described in the original Specification. Applicants respectfully traverse this objection.

As discussed above with respect to Claim 68, the Application, p. 6, lines 25-26, states: "The embodiment of the present invention may utilize various programming interfaces." Various embodiments of programming interfaces are illustrated in FIGURES 2A-2L, showing a first code segment and a second code segment communicating through an interface. Applicants respectfully submit that one skilled in the art would recognize that the above sections, amongst others, disclose the above recitation of Claim 74. Applicants therefore respectfully request that the rejection of Claims 74-77 under 35 U.S.C. § 112, first paragraph be withdrawn.

Claim 78

The Office Action asserts that the features of Claim 78, which recites, "rewriting functionality within the function discovery database," are not described in the original Specification. Applicants respectfully traverse this objection.

As argued above with respect to Claim 49, the Specification discloses that the invention may consist of one or more programming interfaces. See Application, p. 6, lines 25-26. The Application, p. 11, lines 12-29, further describes a rewriting implementation of a programming

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interface. Specifically, it recites: "In accordance with a rewriting implementation, yet another possible variant is to dynamically rewrite the code to replace the interface functionality with something else but which achieves the same overall result." Application, p. 11, lines 12-15.

Applicants respectfully submit that one skilled in the art would recognize that the above sections, amongst others, disclose the above recitation of Claim 78. Applicants therefore respectfully request that the rejection of Claim 78 under 35 U.S.C. § 112, first paragraph be withdrawn.

Rejection of Claims 74-78 Under 35 U.S.C. § 112 (Indefiniteness)

The Office Action rejected Claim 74 under 35 U.S.C. § 112, second paragraph, for being indefinite on the steps required to arrive with "providing information in a unified and consistent way to a common dialog object." Office Action, pp. 8-9. Applicants have amended Claim 74 to address this issue, and respectfully submit that the rejection is now moot. Accordingly, applicants respectfully request that the 35 U.S.C. § 112, second paragraph objection with respect to Claim 74 and its dependent Claims 75-78 be withdrawn.

Rejection of Claims 43-57 Under 35 U.S.C. § 102(e)

The Office Action rejected Claim 43 under 35 U.S.C. § 102(e) as being anticipated by Strittmatter. Applicants respectfully traverse this rejection.

The Office Action recites various portions of Strittmatter as teaching the features of Claim 43. Applicants respectfully submit that Strittmatter does not teach or suggest accessing *only* enumerated device information contained in a function discovery database, where the enumerated device information pertains to *installed* devices, as recited in amended Claim 43.

In Strittmatter, paragraphs 55 and 56 and Figure 5, reference number 505 purportedly describe "a system that stores information of eligible devices discovered during the background search and automatically installs eligible server devices for use in a subsequent search."

Strittmatter, para. 55. This does not teach or suggest a method relating to *installed* devices, as recited in amended Claim 43.

Further, applicants submit that the "previously discovered devices" database purportedly described as reference number 505 in Figure 5 does not teach or suggest accessing *only* the enumerated device information pertaining to installed devices contained in a function discovery database. Strittmatter purportedly describes the use of a previously discovered devices database to obtain some information about devices. However, this previously discovered devices database is only described as being used in conjunction with other data sources, or in respect to uninstalled devices. For example, Figure 6 and its accompanying text purportedly describe an installation process, and not a process to select from installed devices. Figure 7 and its accompanying text purportedly describe the selection of previously selected devices, but does not describe using the previously discovered devices database to do so (and nonetheless describes doing so in conjunction with an additional search for wireless devices). Figure 13 and its accompanying text purportedly describe the retrieval of device information from the previously discovered device database, but only to supplement other data transmitted from a server device. Therefore, applicants respectfully submit that nowhere does Strittmatter teach or suggest accessing *only* enumerated device information contained in a function discovery database, wherein the enumerated device information pertains to *installed* devices.

Rejected Claims 44-57 depend from Claim 43. Applicants submit that these claims are allowable at least by virtue of these dependencies, as well as by virtue of the other limitations set forth therein. Accordingly, applicants submit that Claims 43-57 are patentable, and respectfully request withdrawal of the rejection of these claims under 35 U.S.C. § 102(e).

Rejection of Claims 58-78 Under 35 U.S.C. § 103(a)

Claims 58-59

Rejected Claims 58 and 59 depend from Claim 43. Applicants submit that these claims are allowable at least by virtue of this dependency, as neither Strittmatter nor Chiloyan teach or suggest all of the features of Claim 43 (as argued above). Applicants submit that these claims are also allowable by virtue of the other limitations set forth therein. Applicants therefore respectfully submit that Claims 58 and 59 are patentable, and that withdrawal of the 35 U.S.C. § 103(a) rejection with respect to Claims 58 and 59 is merited.

Claims 60-73

The Office Action rejected independent Claims 60 and 72 as being unpatentable under 35 U.S.C. § 103(a) over Strittmatter in view of Chiloyan. Applicants respectfully traverse these rejections. As discussed above with respect to Claim 43, applicants respectfully submit that Strittmatter fails to teach or suggest a function discovery database having enumerated device information corresponding to a set of *installed* devices, and obtaining device information by accessing *only* enumerated device information contained in the function discovery database, as recited in amended Claims 60 and 72. Further, applicants submit that Chiloyan does not overcome these deficiencies of Strittmatter. Therefore, applicants respectfully submit that independent Claims 60 and 72 are patentable.

Rejected Claims 61-71 depend from Claim 60. Rejected Claim 73 depends from Claim 72. Applicants respectfully submit that these claims are allowable at least by virtue of these dependencies, as well as by virtue of the other limitations set forth therein. Accordingly, applicants submit that Claims 60-73 are patentable, and that withdrawal of the 35 U.S.C. § 103(a) rejection with respect to Claims 60-73 is merited.

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Claims 74-78

The Office Action rejected Claim 74 as being unpatentable under 35 U.S.C. § 103(a) over Strittmatter in view of Chiloyan. Applicants respectfully traverse this rejection, and submit that Strittmatter does not teach or suggest accessing enumerated information concerning *installed devices, only* on a function discovery database, as recited in amended Claim 74 and as argued above with respect to Claim 43.
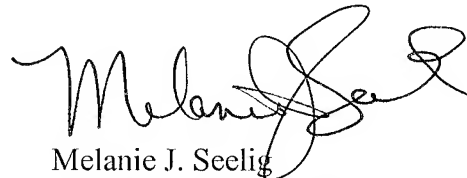
Claims 75-78 depend from Claim 74. Applicants respectfully submit that these claims are at least allowable by virtue of these dependencies, as well as by virtue of the additional limitations set forth therein. Accordingly, applicants respectfully submit that Claims 74-78 are patentable, and that withdrawal of the 35 U.S.C. § 103(a) rejection with respect to Claims 74-78 is merited.

Conclusion

In view of the foregoing amendments and remarks, applicants submit that the claims as amended are in condition for allowance over the cited and applied references, and respectfully request reconsideration and allowance of the same. The Examiner is invited to contact applicants' attorney at the number provided below to resolve any issues that may arise in order to advance prosecution of this application.

Respectfully submitted,

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